IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 11752 of 2005

Between:

1 Sri Durga Wines, License No.461/1998, Juvvalapalem Road, Bhimavaram Town, West Godavari District rep.by its prop. B.Veera Venkata Vijaya Satish, S/o.B.Manga Rao.
2 New Dayamaya Balaji Wines,, Main Road, Palakollu, W.G.Dist. rep.by its Prop. Y.Suryanarayana, S/o.Veeranna.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, rep.by its Secretary, Revenue (Excise-II) Department, Secretariat, Hyderabad.
2 Government of A.P. rep.by Secretary, Law & Legislative Affairs, Secretariat, Hyderabad.
3 The District Collector & Auctioning Authority, West Godavari District, at Eluru.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ by declaring; a) That Section 17(2) of the A.P. Excise Act, 1968 as amended by ordinance No.5 of 2005 dated 20-5-2005 is unconstitutional, (b) the method of selection for grant of retail wine shop Licenses provided by G.O.Rt No.998 dated 24-5-2005 i.e., A.P.Excise (Lease of Right of selling by shop and conditions of License) Rules, 2005 is arbitrary and

unconstitutional, (c) The A.P. Indian Liquor and Foreign Liquor Rules, 1970 continue to subsist since GO Ms.No.1002 dated 25-5-2005 is without any legal sanctity and since the said rules are not repealed by the AP Excise (lease of Right of selling by shop and conditions of License) Rules, 2005 and consequently the petitioners are entitled for renewal of the Retail Wine shop Licenses as per the A.P. Indian Liquor and Foreign Liquor Rules, 1970 and consequently direct the respondents to renew the retail wine shop licences of the petitioner under the A.P. Indian Liquor and Foreign Liquor Rules, 1970 and grant such other relief as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.V.VENKATARAMANA

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORAL ORDER: (per the Hon'ble Sri Bilal Nazki, ACJ)

Learned counsel for the Petitioners seeks permission of the Court to withdraw the Writ Petition. Permission accorded.

The writ petition is accordingly dismissed as withdrawn. No costs.

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BILAL NAZKI, ACJ

DATE: 29th June, 2005

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G.CHANDRAIAH ,J

Pnb

To

1 The Secretary, Government of Andhra Pradesh, Revenue (Excise-II) Department, Secretariat, Hyderabad.
2 The Secretary, Government of A.P., Law & Legislative Affairs, Secretariat, Hyderabad.
3 The District Collector & Auctioning, West Godavari District, at Eluru.

4 Two C.Cs. to the Government Pleader for Prohibition & Excise, High Court of A.P., Hyderabad. (O.U.T.)

5 2 CD copies